

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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San Jose, CA 95150-0013

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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

RUIZ, YOLANDA

Debtor(s)

Chapter 13

Case No. 09-5-9281 ASW

TRUSTEE'S OBJECTION TO MOTION FOR  
ORDER ALLOWING DEBTOR TO SELL  
RESIDENTIAL REAL PROPERTY, MOTION  
TO EMPLOY THE BROKER AND ALLOW  
BROKER'S COMPENSATION WITH  
CERTIFICATE OF SERVICE

Hearing Date: SEPTEMBER 20, 2010 @ 1:15  
PM

The Trustee, Devin Derham-Burk, having been served with a Notice and Motion for Order  
Allowing Debtor to Sell Residential Real Property, Motion to Employ the Broker and Allow  
Broker's Compensation does hereby object to said transaction.

The debtor filed her Chapter 13 Petition on October 29, 2009. The plan has not yet been  
confirmed and provides for a 5% dividend to be paid to general unsecured creditors. The debtor  
is attempting to sell real property located at 2161 Caleb Court, San Jose, California in a short  
sale for an unknown amount.

1. The debtor has no potential buyer.

1 2. The debtor failed to serve all creditors of the motion. The Trustee is not aware of any  
2 order shortening time to allow the motion to be heard on September 20, 2010.

3 The Trustee requests that the Trustee approve the form of order prior to submission to the court.

4 Wherefore, the Trustee requests that this Court deny the debtors' motion. **Chapter 13 Trustee**  
5 **and counsel will be at Section 341 meetings and will not appear.**  
6

7  
8  
9 Dated: September 17, 2010

  
/s/ Devin Derham-Burk

Chapter 13 Trustee

1  
2 **CERTIFICATE OF SERVICE BY MAIL**  
3

4 I declare that I am a citizen of the United States, over the age of 18 years, not a party to  
5 the within cause; my business address is 983 University Ave. C-100, Los Gatos, California  
6 95032. I served a copy of the within Trustee's Objection to Motion for Order Allowing Debtor  
7 to Sell Residential Real Property, Motion to Employ the Broker and Allow Broker's  
8 Compensation by placing same in an envelope in the U.S. Mail at Los Gatos, California on  
9 September 17, 2010.

10 Said envelopes were addressed as follows:

11  
12 YOLANDA RUIZ  
13 2161 CALEB CT  
14 SAN JOSE CA 95121

15 DANIEL HALPERN ESQ  
16 111 N MARKET ST #1010  
17 SAN JOSE CA 95113

18 

19 /S/ Clotilde Costa

20 Office of Devin Derham-Burk, Trustee  
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